

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 22-80315-CIV-CANNON/Reinhart

PATRICK J.P. LEACH,

Plaintiff,

v.

COMMISSONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER DENYING LEAVE TO APPEAL IN FORMA PAUPERIS

THIS CAUSE comes before the Court upon Appellant's Motion for Leave to Appeal *in Forma Pauperis*, filed on April 24, 2024 [ECF No. 42]. The Court has considered the Motion, the record in this case, and is otherwise fully advised. For the reasons set forth below, the Motion is **DENIED WITHOUT PREJUDICE**.

Courts are permitted to authorize a party to proceed *in forma pauperis* in any suit, or appeal, thereof, so long as the party complies with the prescriptions of 28 U.S.C. § 1915(a)(1). To appeal *in forma pauperis*, a party must file in the district court a motion and an affidavit that "(A) shows ... the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal." Fed R. App. P. 24(a)(1). Additionally, even if a party satisfies the requirements of Rule 24, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). "A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when examined under an objective standard." *Ghee v. Retailers Nat'l Banks*, 271 F. App'x 858, 859 (11th Cir. 2008).


CASE NO. 22-80315-CIV-CANNON/Reinhart

Upon review, the Motion fails to state the issues Appellant intends to present on appeal and therefore fails to satisfy the third requirement of Federal Rule of Appellate Procedure 24(a).

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follow:

1. Appellant's Motion [ECF No. 42] is **DENIED WITHOUT PREJUDICE**.
2. Appellant may refile his motion in accordance with 28 U.S.C. § 1915(a)(1) and Fed R. App. P. 24(a)(1), using the proper form available here: <https://www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/FormFormaPauperisJUN18.pdf>. Appellant is instructed to carefully read the form and thoroughly complete all sections.
3. Appellant is advised that "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3).

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 29th day of April 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

Patrick J.P. Leach
6676 Country Winds Cove
Lake Worth, Florida 33463
PRO SE